

FILED
JUL 23 2008

CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA, * CR 08-40098

Plaintiff,

vs. * ORDER

ANTONIO DAVALOS-LOPEZ,

Defendant.

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Counsel for Defendant has filed a First Motion to Continue, Doc. 18, requesting the Court to continue the dates currently in force for filing motions, the motion hearing, the plea deadline and jury trial for a period of thirty (30) days, and the Government has no objection, and after consideration of the file in this matter, the Court finds that failure to grant the continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence and further that failure to grant the continuance would deny the public interest in bringing this case to trial in an orderly fashion. Further, the Court finds that the ends of justice served by continuing this trial outweigh the best interests of the public and the Defendant in a speedy trial. For all of those reasons as well as those set forth in the Motion,

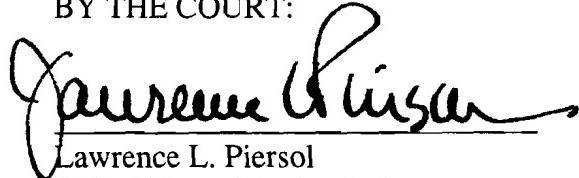
IT IS ORDERED:

1. That Defendant's First Motion to Continue, Doc. 18, is granted in part and denied in part.
2. That all other motions as to Defendant be filed and served on or before August 14, 2008; that opposing counsel respond thereto on or before August 19, 2008; and that a hearing thereon will be held before The Honorable John E. Simko, in Sioux Falls, South Dakota, on Monday, August 25, 2008, at 2:30 P.M.; and the Court will not consider a stock motion for leave to file further motions, however, the Court will consider a motion filed by a party after the deadline if the party can show good cause as to why the motion was late filed.

3. That August 27, 2008, is hereby set as the deadline for submission to the Court of any proposed plea agreement.
4. That all motions in limine shall be in writing and filed, together with proposed instructions, with the Court ten (10) working days before trial.
5. That the jury trial herein for Defendant shall commence in Sioux Falls, South Dakota, on Tuesday, September 30, 2008, with counsel to be present for motions in limine at 9:00 A.M., and with the jury to report at 9:30 A.M.
6. That the period of delay resulting from such continuance is excluded in computing the time within which the trial of the offense for the Defendant must commence, as the Court finds that the ends of justice served by taking such action outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

Dated this 23rd day of July, 2008.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: Shelly Daigler
DEPUTY